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TEMPORARY CONSERVATORSHIP

Taking Care of the Conservatee's Immediate Needs

A judge may appoint a **temporary conservator** to take care of the conservatee's immediate needs until a permanent conservator can be appointed. A temporary conservator may also be appointed to fill in between permanent conservators, if, for example, the permanent conservator dies or the judge has ordered his or her **removal**. The judge will set a specific date on which the temporary conservatorship will end.

A temporary conservator may be a conservator of the person, conservator of the estate, or both. He or she arranges for temporary care, protection, and support of the conservatee and protects the conservatee's finances and property from loss or damage until a permanent conservator can be appointed.

For example, a man's health may have gotten so bad that he can't do routine chores. His home may have become so dirty, cluttered, and hazardous that the authorities will not let him continue to live there. A temporary conservator may be appointed to make immediate arrangements for handymen, contractors, or a cleaning service to fix the hazards, clean the home, and haul away accumulated trash so the man can stay in his home safely.

A friend may notice that an elderly woman is being persuaded to give away large sums of money. A temporary conservator may be needed immediately to protect and manage her finances so that no one takes advantage of her until a permanent conservator can be appointed.

1. Specific Ending Date for Temporary Conservatorships

While a permanent general conservatorship continues until the conservatee dies or a judge officially ends it, a temporary conservator is appointed only for a fixed time period, usually 30 to 60 days, and only until a permanent conservator is appointed or the **petition** for permanent appointment is denied. The **Letters of Temporary Conservatorship**, or **temporary Letters**, will show the exact date when the temporary conservatorship ends. Appendix F, at the back of this handbook, contains a blank copy of temporary Letters.

2. Restrictions on Moving the Conservatee Out of His or Her Home

A temporary conservator of the person may not move the conservatee from his or her home without a judge's prior approval (except in the case of an emergency). Because moving is a major and often traumatic change in a person's life, particularly for an elderly person, the temporary conservator must persuade a judge that the conservatee will be permanently harmed if he or she isn't moved.

Before making a decision, the judge may ask a court investigator to speak with the conservatee to see how he or she feels about the move. If the conservatee doesn't want to move, he or she has the right to be represented by a lawyer at the court hearing, and the court may appoint a lawyer for the conservatee.

Emergencies What if the condition of the conservatee's home is so dangerous that it is unsafe to live in? Or what if a doctor advises the temporary conservator that the conservatee may die if he or she isn't put in the hospital for immediate medical treatment?

In these kinds of emergencies, the temporary conservator may move the conservatee. But on the very next day that the court is open after the move, the conservator must file a request asking the court to approve the move. The conservatee has the right to be represented by a lawyer when the judge considers the request.

The temporary conservator may move the conservatee without a judge's prior approval only in these specific emergencies:

- The temporary conservatee's home isn't fit to live in.
- The conservatee's doctor advises the temporary conservator that the conservatee may die or be seriously disabled if he or she isn't hospitalized immediately.
- The conservatee's doctor says that the conservatee needs to be hospitalized for immediate treatment to relieve severe pain.
- The conservatee gives an informed consent to removal to a health facility for treatment.
- The conservatee is moved from one health facility to another for medical care.

3. Restrictions on Selling the Conservatee's Home

Without prior court approval after a hearing, a temporary conservator is not allowed to sell the conservatee's home or, if the conservatee is a renter, to give up the conservatee's lease.

The conservatee must be personally notified when a temporary conservator asks for a judge's permission to sell or give up the conservatee's home. The judge won't give approval unless it's clear that the conservatee can no longer live at home and serious personal or financial harm will occur if these steps aren't taken immediately.

4. Restrictions on Selling or Giving Away the Conservatee's Assets

A temporary conservator may not sell or give away an estate asset without a judge's prior approval. The conservator must prove to the judge that the property has to be sold to prevent serious financial harm. For example, the conservatee may own a summer cottage that was damaged in an earthquake. It's empty and can't be rented, and no insurance company will insure it.

Even if an asset must sometimes be sold in an emergency during a temporary conservatorship, the temporary conservator should be especially careful not to sell or dispose of any of the conservatee's personal belongings. **L**

5. Inventorying the Estate and Accounting to the Court

A temporary conservator of the **estate** must prepare and file an **Inventory and Appraisal** within 90 days of appointment unless he or she files a **final account** as temporary conservator within that time. The Inventory and Appraisal lists the conservatee's assets collected by the temporary conservator and values them as of the date of the temporary conservator's appointment.

A temporary conservator of the estate who is not appointed permanent conservator must file a final account of the conservatee's estate collected by the conservator within 90 days after the temporary conservatorship ends, unless the court changes the filing date. If the temporary conservator is later appointed permanent conservator, the accounting for the temporary conservatorship may be included in the first accounting for the permanent conservatorship, but no later than a year after appointment of the permanent conservator.

See Appendix C and Chapter 5, Section 6, for more information about the Inventory and Appraisal. See Appendix D and Chapter 5, Section 8, for more information about the accounting.